

Date: 2-13-2017

Subject: Testimony on Senate Bill 82

Submitted By: Mike Randol, Kansas Department of Health and Environment – Director of the Division of Health Care Finance – State Medicaid Director

Bill Description: KDHE appreciates the opportunity to give testimony on SB 82. AN ACT concerning health and healthcare; relating to health insurance; prescription medication; step therapy protocols.

The bill contains patient protection requirements that already exist within Kansas statute. These are based on the step therapy bill passed and signed into law in 2016. For example,

- The department of health and environment will not require that a recipient has utilized or failed with a drug usage or drug therapy prior to allowing the recipient to receive the product or therapy recommended by the recipient's physician:
 - If such recommended drug usage or drug therapy commenced on or before July 1, 2016;
 - For a period of longer than 30 days, if the drug usage or drug therapy is used for the treatment of multiple sclerosis.
- If the department of health and environment requires that a recipient has utilized or failed with a drug usage or drug therapy prior to allowing the recipient to receive any product or therapy recommended by the recipient's physician, the department provides access for prescribing physicians to a clear and convenient process to request an override of such requirement. The department will grant such request for an override if:
 - The required drug usage or drug therapy is contraindicated for the patient or will likely cause an adverse reaction by or physical or mental harm to the patient;
 - The required drug usage or drug therapy is expected to be ineffective based on the known relevant clinical characteristics of the patient and the known characteristics of the required drug usage or drug therapy;
 - The patient has tried the required drug usage or drug therapy while under the patient's current or previous health insurance or health benefit plan, and such use was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event;
 - The patient has previously been found to be stable on a different drug usage or drug therapy selected by such patient's physician for treatment of the medical condition under consideration.

- The department of health and environment, as well as the managed care organizations respond within 24 hours of receiving the request.
- All proposed step therapy protocols are reviewed and approved by the Medicaid drug utilization review board established by K.S.A. 2015 Supp. 39-7,119, and amendments thereto, prior to implementation by the department.
- Any proposed step therapy protocols related to any medication used to treat mental illness shall be reviewed and approved by the mental health medication advisory committee established by K.S.A. 2015 Supp. 39-7,121b, and amendments thereto, and the Medicaid drug utilization review board established by K.S.A. 2015 Supp. 39-7,119, and amendments thereto, prior to implementation by the department.